

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled PATIENT TELEMETRY DEVICE WITH AUTO-COMPENSATION FOR IMPEDANCE CHANGES IN LEADSET ANTENNA; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/273,136

Filing Date: March 2, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Scott J. Carter**

Inventor's signature *Scott J. Carter*

Date May 8, 2001

Residence: **4297 Dogwood Avenue, Seal Beach, CA 90740**

Citizenship: **United States**

Post Office Address: **Same As Above**

095904-05110

Full name of second inventor: **Edward L. Flanders**

Inventor's signature ELF

Date 5/8/01

Residence: **31981 Via Gallo, Coto de Caza, CA 92679**

Citizenship: **United States**

Post Office Address: **Same As Above**

Full name of third inventor: **Robert B. Kato**

Inventor's signature Robert B. Kato

Date 05/08/01

Residence: **21101 Skylark Drive, Lake Forest, CA 92630**

Citizenship: **United States**

Post Office Address: **Same As Above**

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

0963904-051401

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Carter, et al.	)
			)
App. No.	:	UNKNOWN	)
			)
Filed	:	HEREWITH	)
			)
For	:	PATIENT TELEMETRY DEVICE	)
		WITH AUTO-COMPENSATION FOR	)
		IMPEDANCE CHANGES IN	)
		LEADSET ANTENNA	)
			)
Examiner	:	UNKNOWN	)
			)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone

09853904-051101

App. No. : UNKNOWN  
Filed : HEREWITH

(949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

VITALCOM, INC.

Dated: 5/8/01

By: 

John Robert Graham

Title: Vice President Corporate Alliances

Address: 15222 Del Amo Avenue  
Tustin, CA 92780

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050401

COPY

Application No.: UNKNOWN  
Filing Date: HERewith

PATENT  
Client Code: VITLCOM.066A3  
Page 1

ASSIGNMENT

WHEREAS, We, Scott J. Carter, a United States citizen, residing at 4297 Dogwood Avenue, Seal Beach, CA 90740, Edward L. Flanders, a United States citizen, residing at 31981 Via Gallo, Coto de Caza, CA 92679 and Robert B. Kato, a United States citizen, residing at 21101 Skylark Drive, Lake Forest, CA 92630 have invented certain new and useful improvements in a PATIENT TELEMETRY DEVICE WITH AUTO-COMPENSATION FOR IMPEDANCE CHANGES IN LEADSET ANTENNA for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, Vitalcom, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 15222 Del Amo Avenue, Tustin, CA 92780, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto (including U.S. provisional application No. 60/273,136 filed on March 2, 2001), and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8 day of May, 2001.

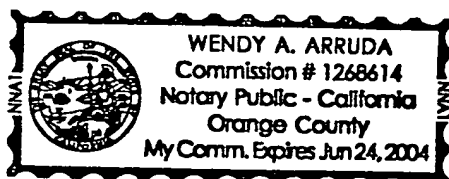
Scott J. Carter  
Scott J. Carter

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.

On MAY 8, 2001, before me, WENDY A. ARRUDA, personally appeared Scott J. Carter personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Wendy A. Arruda  
Notary Signature

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8 day of May, 2001.

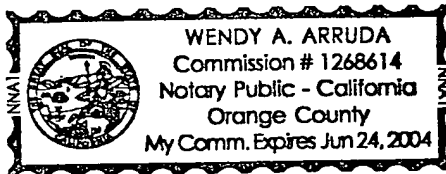
Edward L. Flanders  
Edward L. Flanders

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.

On MAY 8, 2001, before me, WENDY A. ARRUDA, personally appeared Edward L. Flanders personally known to me (or ~~proved~~ to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Wendy A. Arruda  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8 day of MAY, 2001.

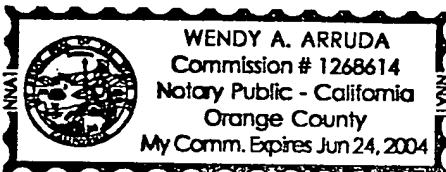
Robert B. Kato  
Robert B. Kato

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.

On MAY 8, 2001, before me, WENDY A. ARRUDA, personally appeared Robert B. Kato personally known to me (or ~~proved~~ to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Wendy A. Arruda  
Notary Signature